

## CHAPTER 17

### TEMPORARY, SEASONAL, AND HOME OCCUPATION USES

14-17-101	PURPOSE
14-17-102	DEFINITIONS
14-17-103	LICENSE REQUIRED
14-17-104	APPLICATION AND FEE
14-17-105	HOME OCCUPATION REQUIREMENTS
14-17-106	SPECIAL CONDITIONS FOR RESIDENTIAL DAY CARE OR GROUP INSTRUCTION
14-17-107	PROHIBITED HOME OCCUPATION USES
14-17-108	HOME OCCUPATION CONDITIONAL USES
14-17-109	REQUIRED INFORMATION AND PLANS
14-17-110	ADMINISTRATIVE REVIEW PROCESS FOR TEMPORARY USES
14-17-111	ADMINISTRATIVE COMMITTEE REVIEW OF TEMPORARY AND SEASONAL USES
14-17-112	SEASONAL PERMITS
14-17-113	GENERAL STANDARDS FOR TEMPORARY AND SEASONAL USES
14-17-114	USES, SPECIFIC STANDARDS, AND TIME LIMITS
14-17-115	TIME BETWEEN ACTIVITIES
14-17-116	EXEMPT USES
14-17-117	CONDITIONS OF APPROVAL AND DENIAL

#### 14-17-101 PURPOSE

The purpose of this Chapter is to establish standards regulating the time, place, and manner in which temporary, seasonal, and home occupation uses may occur.

#### 14-17-102 DEFINITIONS

See Chapter 3 of this Title for the following definitions:

The following definitions shall apply to this chapter and this Title:

“ARTS AND CRAFTS SHOW”: ~~The display and sale of painting, sculpture, handcrafts, and similar objects.~~

“GARAGE AND/OR YARD SALE”: ~~An occasional sale conducted by a property owner at the owner's place of residence which offers obsolete personal possessions for sale but does not include items brought to the site for sale.~~

“PROMOTIONAL EVENTS”: ~~Includes carnivals, craft shows, mechanical and animal rides, or the display and/or sale of merchandise or product that are not typically sold or serviced on the site.~~

“RETAIL WAREHOUSE SALE”: ~~The sale of products or merchandise to the general public by a manufacturing business established on a site which does not operate a retail outlet as a normal~~

~~element of its business operation.~~

~~“SEASONAL USE”: A specific type of temporary use that reoccurs each year for a definite period of time and which occupies the same location and configuration.~~

~~“SWAP MEET”: The retail sale or exchange of new, handcrafted, or second-hand items conducted by a sponsor for not more than forty-eight (48) hours; includes flea markets.~~

~~“TEMPORARY CARNIVALS AND FAIRS”: A specific type of temporary use that includes the provision of mechanical and animal rides, games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities outdoors or in a tent or other temporary structure.~~

~~“TEMPORARY SALES ACTIVITIES”: A specific type of temporary use that includes the sale of products outside of, but in close proximity to, a building by a permanent occupant of a site and includes sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, and similar sales.~~

~~“TEMPORARY SALES OFFICE”: A specific type of temporary use that includes a model home or unit within a subdivision, apartment complex, or planned unit development which serves as an office for the sale or lease of property in that subdivision, apartment complex or planned unit development, or a temporary structure located on the site of a development project which serves as a temporary business office while a permanent office is under construction on the site.~~

~~“TEMPORARY USE”: A use of land that is short term in nature and that does not involve the erection of a permanent structure or other permanent commitment of the land.~~

#### **14-17-103      LICENSE REQUIRED**

A Bountiful City Business License is required for any entity engaged in a seasonal or home occupation use, and for some temporary uses as set forth in this Title. In addition, certain uses may also require a conditional use permit. The Planning Director shall review the application and may approve the license or forward it to the Administrative Committee or the Planning Commission for review and approval, as required by this Title. Any application for Residential Day Care or Group Instruction facilities with more than ~~seven~~ **eight** (78) people shall first make application for and receive a Conditional Use Permit before applying for a Home Occupation License.

#### **14-17-104      APPLICATION AND FEE**

- A. An application for a temporary use permit shall be reviewed for approval by the Planning Director, and shall be submitted at least thirty (30) calendar days prior to the proposed event. The application shall be made by the owner of the affected property or the owner's duly authorized agent.
- B. An application for a seasonal use permit shall be reviewed for approval by the

Administrative Committee following the procedures for a conditional use permit, prior to issuing a business license.

- C. An application for a home occupation license shall be reviewed for approval by the Planning Department. A home occupation use that requires a conditional use permit shall be reviewed for approval by the Administrative Committee prior to receiving a home occupation business license.
- B. Each application shall be accompanied by a non-refundable fee as established by the City Council. An application is not complete until the fee is paid.
- C. After approval of a temporary, seasonal, or conditional use permit, an applicant shall also obtain any required business license for the proposed use.
- D. An approved temporary use permit shall be effective only on the approved dates. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Planning Director effective immediately upon verbal or written notice for violation of the permit. Verbal notice shall be confirmed by written notice mailed within a reasonable time to the permit holder.

#### **14-17-105 HOME OCCUPATION REQUIREMENTS**

A proposed home occupation use shall meet the following criteria to qualify for a Home Occupation Business License:

- A. The use shall be clearly incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition thereof. There shall be no displays, advertisements, stock in trade, or signs related to the business except those required by State Law and which meet the provisions of this Title.
- B. It shall be conducted entirely within a dwelling, except for work performed offsite. Only members of the family related by blood, marriage, or adoption, and who reside in the dwelling, may work onsite. The only exception is that one (1) additional person may be employed as a secretary, apprentice, or assistant where there are no more than five (5) family members actively engaged in the home occupation. Employees who are not family members and/or who do not reside at the dwelling shall not meet, park, or otherwise congregate at the home or in the general vicinity.
- C. It shall not involve more than one (1) room in the dwelling and cannot exceed twenty percent (20%) of the ground floor area.
- D. It shall not involve the attached garage or carport section of the dwelling nor any accessory building or yard space or activity outside of the main building.
- E. It shall not involve the sale of commodities on the premises. Commodities may be produced on the premises and sold through other business outlets not on the premises.
- F. It shall not create noise, dust, odors, noxious fumes, glare or other nuisances, including interruption of radio and/or television reception, which are discernable beyond the

premises.

- G. It shall not create a hazard by using or storing flammable material or explosives or other dangerous materials.
- H. It shall not involve the use of mechanical or electrical apparatus, equipment or tools not commonly associated with a residential use or as are customary to home crafts.
- I. It shall not generate traffic in greater volumes than would normally be expected in a residential neighborhood nor involve the use of commercial vehicles other than standard delivery vehicles for delivery of materials to or from the premises.
- J. It shall not involve the use or parking of equipment or motor vehicles having a gross weight of twelve thousand (12,000) pounds or more directly at the residence.
- K. It shall be in compliance with all applicable fire, building, plumbing, electrical and life safety and health codes of the State of Utah, Davis County, and the City of Bountiful.
- L. The residence may be inspected from time to time to determine continued compliance with the provisions of this Ordinance and other applicable codes.
- M. Each individual that is at least eighteen (18) years of age and whose permanent residency is at the dwelling shall be allowed a maximum of one (1) Home Occupation Business License.

#### **14-17-106 SPECIAL CONDITIONS FOR RESIDENTIAL DAY CARE OR GROUP INSTRUCTION**

The following conditions shall apply only to Home Occupation Business Licenses for Residential Day Care or Group Instruction, as defined by State Code:

- A. The rear yard may be used for outside play area, or instruction where a swimming pool is involved.
- B. Residential day care facilities shall comply with all regulations of the State of Utah and shall be licensed by the State. One additional person not residing in the dwelling may be employed in the residential day care or group instruction where seven eight (7) or more children or people are involved.
- C. Residential group instruction (preschools) shall be limited to no more than twelve (12) people in each session who are not residents of the home. There shall be no more than two (2) session per day and each session may not exceed four (4) hours. No child or person may attend more than one session per day. Instruction of ~~at least more than seven-eight (78) or more~~ people requires issuance of a Conditional Use Permit by the Planning Commission.
- D. A minimum interior floor area of thirty-five (35) square feet and a minimum secured outdoor play area of forty (40) square feet per child shall be provided for residential day care facilities.

- E. Total floor area used for residential day care or group instruction may be no more than twenty-five percent (25%) of the ground floor area of the residence.
- F. An annual inspection for continued compliance will be required for license renewal of all residential day care and group instruction facilities.

#### **14-17-107 PROHIBITED HOME OCCUPATION USES**

The following uses, by their nature, involve operations not suited to a residential area and have a pronounced tendency to grow rapidly beyond the limits for a home occupation and thereby impair the use and value of a residentially zoned area. Therefore, the uses specified below shall not be permitted as home occupations:

- A. Auto, truck or motorcycle repair at the residence.
- B. Furniture or cabinet making.
- C. Major appliance repair (washers, dryers, refrigerators, etc.)
- D. Small engine and lawn mower repair.
- E. Auto body or fender work.
- F. Trailer or boat repair.
- G. Photo developing and processing beyond a hobby darkroom.
- H. Sexually oriented businesses.

#### **14-17-108 HOME OCCUPATION CONDITIONAL USES**

Home occupations in the following areas of work are conditional uses, and licenses may be issued for them only if a conditional use permit is granted following notice and a public hearing:

- A. Lawn care and/or landscaping,
- B. Construction and/or contracting,
- C. Snow removal,
- D. Residential day care or group instruction facilities with more than ~~seven-eight~~ (78) people,

#### **14-17-109 REQUIRED INFORMATION AND PLANS**

All applications for a temporary or seasonal use shall include the following:

- A. A concise statement describing the proposed use or event, including the purpose, type

of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provision for on-site parking, and other pertinent information necessary to adequately evaluate the application.

- B. A copy of a site plan drawn to a standard scale which is no greater than 1"=20', which accurately represents the proposed use of the site, including existing buildings, entrances, exits, parking areas, driveways, utilities, and the location of any proposed temporary structures such as tents, stand or signs. Depending upon the size and scope of the proposed use, the Planning Director or approving authority may require that the site plan be prepared by a licensed Engineer, Surveyor, Architect, or Landscape Architect.

#### **14-17-110 ADMINISTRATIVE REVIEW PROCESS FOR TEMPORARY USES**

The following shall apply to the review and approval of specific temporary uses:

- A. The following temporary uses may be reviewed and approved by the Planning Director:
  - 1. Christmas tree lots;
  - 2. Construction trailers;
  - 3. Fireworks stands;
  - 4. Model homes and model home shows;
  - 5. Warehouse sales;
  - 6. Other retail sales;
- B. The Planning Director shall review the application and related materials and shall determine whether or not the proposal is in compliance with all applicable codes, ordinances, and specific standards for temporary uses as set forth herein. The Planning Director may request that the City Engineer, Police Chief, and Fire Chief review and comment on applications where traffic control may be a significant issues. The Planning Director may also evaluate the application and request review and comments from the County Board of Health and/or other Health related agencies.
- C. A written permit shall be issued to the applicant after a determination of compliance has been made. Reasonable, specific conditions to assure compliance may be attached to the permit to assure compliance or to deal with circumstances related to neighboring uses, geography, etc.
- D. An application may be denied if the Planning Director determines that the proposal does not comply with the standards established herein or that the public health, safety, or welfare may be impaired by issuance of a permit. Denial of the application shall be communicated to the applicant in writing and shall state the reasons for denial.
- E. An appeal of any determination of the Planning Director may be made to the Planning Commission. Such appeal shall be filed with the Planning Department within ten (10) working days after a final determination by the Planner Director, stating the specific reason why the determination should be reversed or modified.

#### **14-17-111 ADMINISTRATIVE COMMITTEE REVIEW OF TEMPORARY AND SEASONAL**

## USES

The following temporary and seasonal uses require Administrative Committee approval and a public hearing:

- A. Fairs, carnivals, rodeos, live entertainment, etc.
- B. Promotional events
- C. Swap meets
- D. Trailers intended for temporary offices or sales
- E. All seasonal use permits
- F. Other uses which due to unusual circumstances the Planning Director deems necessary for special review.

### **14-17-112 SEASONAL PERMITS**

A seasonal use permit may be issued instead of a temporary use permit for temporary uses that reoccur each year for a definite period and which occupy the same location and configuration. The permit may be issued for a maximum of six (6) months, which may be divided into two equal or unequal periods. A seasonal use permit may be issued for a maximum of five (5) years, however, any change in location, ownership, or operation shall render the permit void. A seasonal use must obtain/renew a Bountiful Business License each year.

### **14-17-113 GENERAL STANDARDS FOR TEMPORARY AND SEASONAL USES**

The following regulations establish the time, place, and manner in which uses that are temporary or seasonal in nature may occur. A temporary or seasonal use has no inherent rights within the zone in which it may be located, other than the terms and conditions of an approved permit, and the City may deny a proposed temporary or seasonal use for non-compliance with this Title. Temporary and seasonal uses are not permitted or conditional uses, although the City may follow the same public hearing or noticing process. Temporary uses shall not exceed one hundred twenty (120) continuous days in length and shall not involve the erection of any substantial structure or require any other permanent commitment of the land, except as specifically set forth in this chapter. All temporary and seasonal uses shall comply with the following:

- A. The nature and intensity of the proposed use and the size and location of any temporary structures shall be planned so as to be compatible with existing development and uses in the area.
- B. Permanent changes to the site are prohibited, except that seasonal uses may install underground utility lines with the approval of the Building Department. When the use ends, the applicant shall restore the site to its original condition, including such clean up, washing, and replacement of facilities as may be necessary, or, if applicable, shall complete site improvements according to the approved site development plan.
- C. Tents, stands, trailers, mobile equipment, and other similar temporary structures may be utilized provided they are clearly identified on the submitted plan and it is determined by the Planning Director that they will not impair the parking capacity, emergency access, or safe and efficient movement of pedestrian and vehicular traffic on or off the site.



- D. Temporary buildings or structures shall conform to all area and setback requirements established for permanent buildings or structures for the zoning district in which the use is proposed. Temporary buildings or structures shall not be located in landscaped areas unless approved by the Administrative Committee and shall be located in a manner that minimizes traffic impacts.
- E. Temporary uses which do not include buildings or structures may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation, or emergency vehicle access.
- F. Parking Standards:
  - 1. Temporary parking areas may be allowed only during construction on a site. They must be removed, and the land restored to its original condition, prior to the issuance of a certificate of occupancy for the construction.
  - 2. Adequate off-street parking for the proposed event shall be provided for the duration of the event. Determination of compliance with this requirement shall be made by the Planning Director who shall consider the nature of the event and the applicable parking standards of this Ordinance. Consideration shall be given to the parking needs and requirements of permanent occupants of the site.
  - 3. Temporary uses shall not reduce required parking spaces below the minimum required for the permanent uses existing on the site.
  - 4. Parking areas for the proposed use shall be surfaced with asphalt, concrete, gravel or other surface acceptable to the Planning Director.
- G. Permanent signs are prohibited. The size and location of signs shall be shown on the site plan and approved by the Planning Director as part of the application approval. All signs shall be removed when the activity ends.
- H. No loudspeakers or other amplifying sound devices shall be used in conjunction with a temporary use unless specifically approved by the Planning Director.
- I. Outdoor lighting, if used, shall be subdued. All lighting shall be designed, located, and directed so as to eliminate glare and minimize reflection of light into neighboring properties. Searchlights shall not be permitted.
- J. Temporary uses on sites where the primary use is a conditional use shall not violate the conditions of approval for the primary use.
- K. The applicant shall provide to the Planning Director proof of liability insurance for the requested use if necessary. This proof shall be submitted with the application.
- L. These provisions shall not be construed to exempt the operator from complying with applicable Building Codes, Health Codes, or permit requirements established by other regulatory agencies or departments.



#### **14-17-114 USES, SPECIFIC STANDARDS, AND TIME LIMITS**

- A. Residential Zones. Temporary uses in single-family and multiple-family residential zones shall comply with the general standards, and are limited to the uses specified below:
1. Hours of operation shall be limited to the hours between 8:00 a.m. and 8:00 p.m..
  2. Temporary sales offices shall be located in the subdivision where lots are being sold or in the apartment complex or planned unit development where units are being sold or leased.
  3. Temporary sales offices in trailers. Temporary sales offices located in a trailer or other portable structure for the sale or lease of property in a subdivision, an apartment complex, or planned unit development is prohibited.
  4. Temporary sales offices in a model home or unit for the sale or lease of property in a subdivision, apartment complex or planned unit development may be used until the last lot or unit in the development is sold and closed. If the office is located in the area of the home intended for a garage, any alterations made to accommodate the office shall be removed, and the space shall be converted to the function as a garage upon termination of the temporary office.
  5. Construction trailers incidental to a specific construction project may be located on the site of such a project. The trailer may remain for the duration of the project and shall be removed within thirty (30) days after substantial completion of the project. Storage of construction and related material and debris shall not be permitted in the public right-of-way. Temporary offices housed within construction trailers wherein a business or service for others is transacted are prohibited. Examples of such uses are Accountant, Architect, Insurance Sales, Medical and Dental, Real Estate Sales, etc.
  6. Fairs, carnivals, rodeos, live entertainment, and other major public gatherings and fund-raising events or promotional events may be permitted for up to three (3) consecutive days at a site with an existing public or quasi-public use. Two such events per sponsor may be permitted per calendar year.
- B. Commercial Zones. A temporary use in a commercial zone shall comply with the general standards set forth for the zone in which it is located, and shall be restricted to the uses and standards specified below:
1. Hours of Operation for temporary uses shall be established at the time the use is approved.
  2. Christmas Tree Lots. A temporary use permit and business license shall be obtained for the display and open lot sales of Christmas trees except where such display and sales occurs within a permanent outdoor sales area which is incidental and accessory to an approved conditional or approved use. Christmas

tree sales may occur only between Thanksgiving and Christmas Day. All unsold trees shall be removed from the property, and the property returned to its original condition, by December 31 of each calendar year. A cash bond may be required to insure performance of this requirement.

3. Construction trailers. Construction trailers incidental to a specific construction project may be located on the site of such a project. The trailer may remain for the duration of the project and shall be removed within thirty (30) days after substantial completion of the project. Storage of construction and related material and debris shall not be permitted in the public right-of-way.
4. Fairs, carnivals, and other major public gatherings. Fairs, carnivals, rodeos, live entertainment, and other major public gatherings and fund-raising events or promotional events may be permitted for up to three (3) consecutive days at a site with an existing public or quasi-public use. Two such events per sponsor may be permitted per calendar year.
5. Fireworks Sales. Retail sales of fireworks are permitted subject to provisions of the Bountiful City Business Regulations and State Law. Duration of the fireworks stands shall be specified and approved by the Planning Director.
6. Promotional events. Promotional events shall not exceed five (5) consecutive days per event, two (2) of which shall be a Saturday and Sunday. There shall be no more than two promotional events per calendar year per property.
7. Seasonal Produce Stands Offering Produce and Plants not grown on the Premises. Stands selling produce and plants which are not grown on the premises may be permitted for up to two consecutive weeks as a temporary use, or for the maximum allowed under a seasonal use. This category includes "Farmers Markets".
8. Swap meets. Swap meets may be permitted for not more than three (3) consecutive days not more than four (4) times per year. If an applicant proposes such events more frequently, the swap meet shall be considered a permanent use which shall require conditional use approval prior to issuance of a business license.
9. Temporary office. A temporary office for a business for which a permanent building is being constructed on a site may be approved and occupied until an occupancy permit is issued for the permanent building or for six (6) months, whichever comes first. The temporary office shall be located on the same site as the future permanent building but shall not be moved onto the site until a building permit is issued for the permanent building. The Planning Director may renew a permit for a temporary office if the size and scope of the building requires a building construction schedule longer than the six (6) month period allowed.
10. Warehouse sales. Retail warehouse sales are allowed for up to five (5) consecutive days at any one time.

#### **14-17-115 TIME BETWEEN ACTIVITIES**

Except for construction trailers, temporary offices, and seasonal uses, the time between temporary activities shall be a minimum of five (5) times as long as the duration of the last event.

#### **14-17-116 EXEMPT USES**

The following uses are exempt from the provisions of this chapter:

- A. Fund-raising events conducted by non-profit organizations which are a maximum of three (3) consecutive days; including such things as bake sales or car washes but not including larger events such as outdoor carnivals, swap meets, or arts and crafts sales.
- B. Onsite temporary sales activities involving the display of new retail products, provided the display area is within ten (10) feet of the main building and does not extend into a public right-of-way or occupy required parking spaces or landscaped areas.
- C. Temporary businesses licensed under the Temporary Business Licensing provisions of the Bountiful City Code.
- D. Garage or yard sales that occur not more than four (4) times a year per property with each event lasting not more than seventy-two (72) hours. The sale of products brought to the site is prohibited.
- E. Seasonal fruit and vegetable stands selling produce grown on the premises are permitted subject to compliance with other applicable provisions of the City Code.
- F. Community events which are sponsored and/or approved by the City.
- G. Other exemptions as specifically approved in writing by the Bountiful City Council.

#### **14-17-117 CONDITIONS OF APPROVAL AND DENIAL**

The land use authority may approve a use which meets the above requirements, may deny a use which does not meet said requirements, or may approve a use with such additional conditions as necessary to meet the requirements of this Title and to assure that the use will be compatible and will not pose any unreasonable detriment to persons or property. Said conditions may include a limitation upon hours of operation and/or a time limitation which is less than the maximum established by this Chapter.